

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.5461 OF 2007

Dated 24th APRIL, 2007

BETWEEN:

V.Kishore Babu and others.

... Petitioners

And

The Gram Panchayath Secretary, Prasadampadu Gram Panchayat,
Vijayawada Rural, Vijayawada, Krishna District and others.

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.5461 OF 2007

ORDER:

The three petitioners filed the present writ petition seeking a writ

of Mandamus declaring inaction of respondents 1 and 2, namely, Prasadampadu Gram Panchayat, Vijayawada Rural Mandal, Krishna District and Vijayawada Urban Development Authority in not preventing third respondent from making illegal construction of apartments in premises bearing D.No.6-186/2 in R.S.No.69/6, Ward No.6 of Prasadampadu Village as illegal and arbitrary.

This Court while admitting the writ petition on 16.03.2007 passed interim orders directing respondents 1 and 2 to stop further construction by third respondent. Immediately after receiving notice, third respondent moved this Court by filing W.V.M.P.No.1018 of 2007.

In the counter affidavit filed along with W.V.M.P., third respondent alleges that the construction he has undertaken is not within the purview of second respondent but in spite of the same, a notice bearing Rc.No.C2-193/2007, dated 08.02.2007, was issued and that he gave a reply stating that he was constrained to deviate from the approved plan while making construction. He also states that on 14.04.2007 and 15.04.2007, the staff from the office of second respondent demolished deviations and that the writ petition is filed suppressing these facts.

Learned counsel, Sri M.Brahma Reddy for third respondent submits third respondent has already obtained approval from second respondent on 28.01.2006 and that any construction is made, he will do so strictly in accordance with plan. The same is recorded. This Court further observes that it shall be open to respondents 1 and 2 to take necessary action including action to demolish any construction made by third respondent if it is found to be in deviation of the approved building plan, dated 28.01.2006.

The writ petition is accordingly allowed. No costs.

(V.V.S.RAO,J)

24.04.2007.
pln